SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

CV 2003-022812 01/13/2006

HON. PAUL A KATZ

CLERK OF THE COURT W. Bobrowski Deputy

FILED: 01/19/2006

JOSIE LEIMONE, et al.

ROBERT J HOMMEL

v.

AMERICAN HOME ASSURANCE CO, et al.

DENISE H TROY

TRIAL MINUTE ENTRY DAY FOUR

9:54 a.m. Trial to a jury continues from January 12, 2006. Plaintiffs Josie and Louis Leimone are present and represented by counsel, Robert J. Hommel. Defendants are represented by counsel, Denise H. Troy.

Court Reporter, Kim Hannan-Cox, is present.

The jury is present.

Plaintiffs' case continues:

Pamela Sutherin, previously sworn, resumes the stand and testifies further.

Plaintiffs' exhibit number 188 is offered and received in evidence.

The Court receives a juror question and same is discussed with counsel off the record and out of the hearing of the jury.

An oral response to said question is given to the jury through the questioning of the witness.

The witness is excused.

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Josie Leimone, previously sworn, resumes the stand and testifies further.

Plaintiffs' exhibit numbers 122-128, 132 and 160 are offered and received in evidence.

11:06 a.m. Court stands at recess.

11:24 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The jury is present.

Josie Leimone resumes the stand and testifies further.

The witness is excused.

11:51 a.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The jury is present.

Everette Lee Herndon is sworn and testifies.

2:45 p.m. Court stands at recess.

3:09 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The jury is present.

Everette Lee Herndon resumes the stand and testifies further.

Bench conference is held. Defendants move to strike testimony regarding 4% incurred loss ratio on relevancy grounds.

IT IS ORDERED taking the matter under advisement.

The witness is excused.

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4:22 p.m. Court stands at recess until 9:30 a.m. on January 17, 2006.

FILED: Juror Question.